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10/782,963

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Denny Chiu

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54120

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05/01/2008

RESEARCH IN MOTION

ATTN: GLENDA WOLFE

BUILDING 6, BRAZOS EAST, SUITE 100

5000 RIVERSIDE DRIVE

IRVING, TX 75039

EXAMINER

KARIKARI, KWASI

ART UNIT

PAPER NUMBER

2617

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/782,963	<b>Applicant(s)</b> CHIU ET AL.	
	<b>Examiner</b> KWASI KARIKARI	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,3-12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### Response to Arguments

1. Applicant's arguments filed on 02/26/2008 have been fully considered but they are not persuasive.

The applicant argues that combination of Martinez Martinez (U.S. 20020142792 A1), (hereinafter Martinez) in view of Moton, Jr. et al., (U.S. 7,116,977), (hereinafter Moton) does not fully reject the claims 1,10 and 20.

The Examiner disagrees with such assertion since he must give each claim presented its broadest reasonable interpretation.

Claims 1, 10 and 20 states; [“wherein the first and second notification profiles each define respective notification control options that apply to the notification of events generated by at least two different event generating mad handling components on the mobile device wherein the event generating and handling components on the mobile device include at least two of an alarm, a calendar, email, phone and SMS’].

The examiner notes that there is very little description in the claim limitation which empirically narrows the manner in which the examiner must interpret the claim.

Secondly, the Applicant's specification states:

[0041] “...Memory 300 comprises a PIM application component 326 described previously which includes a plurality of event generating and handling component. Examples of such event generating and handling components include an email component 316, telephone component 318, calendar component 320, alarm component 322 and SMS component 324. **Persons of ordinary skill in the art will appreciate that one or more additional components may be included ...**”

[0042] PIM application component 326 also provides a user notification component for handling event notification for each of components 316-324. **User notification component 314 interfaces with various output or I/O devices of station 202 such as display 222, auxiliary I/O devices 228 and speaker 234.** Additionally, user notification component 314 cooperates with profile component 302 which manages profiles such as profiles 304-308 defining user preferences for how various events are to be notified by station 202. Profile component 302 also includes a profile enablement component 310 and a

[0043] In this example embodiment, there are shown three profiles 304-308. Each profile includes options for defining how the user is to be notified for each of the event generating components, namely alarm, calendar, email, phone and SMS options. Profiles are useful to define options for different user scenarios such as different ambient environments, locations or times where a user may desire particular user notification. **For example, there is shown a profile 304 including a name identifier "Loud" indicating that the notification options of this group are selected to maximize the intrusiveness of the notification such as increasing volume for audible notifications. Similarly there is a profile 306 having the identifier "Quiet" for defining options which minimize intrusiveness. Finally there is shown a Disabled profile 308 where the options are defined to turn off notification.** Preferably, profile component 302 and user interface component 312 permit the definition of additional (i.e. new) profiles to suit user needs

The examiner broadly interprets the above teaching (of the specification and the cited claimed limitations) as the usage of plurality of notification options for various events, and asserts that either Martinez only or the combination of Martinez and Moton teaches such claimed limitations.

Martinez clearly teaches the usage of user's specifically selected conditions (i.e., event) to select user preference settings (i.e., notifications). See;

[0021] ...the invention operates in an intelligent automated fashion to select one of several sets of user preference information available to the user of a cellular telephone (10), which act to direct the internal operations of the phone (10). **Depending on the condition or state of selected specified conditions or triggers, a corresponding set of user preference information will be selected. A "trigger" or "specified condition" includes, but is not limited to, electronic agenda items (e.g., working hours, non-working hours, traveling times, and dates, vacation dates, meeting hours, weekend and holiday dates, other calendared items, etc.); telephone battery conditions (e.g., battery high, battery low, etc.); public network detection (e.g., cellular telephone (10) located outside of the work or other private network environment); and private network detection (cellular telephone (10) located in the work or other private network environment).** A set of cellular telephone user preference settings may include, but is not limited to: power-on lock, key pad lock, time and date, language, greeting, back light, contrast, system select, private network, public network, phone silent, ring tone, ring volume, vibrate, ear volume, key sound, access tone, minute alert, tone send, message alert, profiles, activation, screen calls, and next call type. User preference settings are typically stored in the phone and are related to phone behavior from the user perspective. They are distinguished from Subscriber Profile Information, which deals with telephone behavior from a network perspective (and which is typically stored in a Home Location Register). When sensed, the specified conditions or triggers indicate to the cellular telephone (10) that a specific set of user preference information should be selected. This occurs in an automated fashion, obviating the need for the user or subscriber to remember to change between various sets of information.

[0026] A particular operational set of user preference information corresponding to a power saving environment (160) can be **activated using calendared agenda items**, or some indication of battery condition, as a trigger-specified condition. That is, when the telephone battery is low, or at certain times of the day (e.g., late night hours), the cellular telephone (10) may select the operational set of user preference information corresponding to the specified condition of a low battery condition, so that the power saving operation of the cellular telephone (10) is in effect which might include no ring tone or vibration when an incoming call occurs, and no back light, for example.

[0039] For example, if trigger 1 (190) is sensed as a location of the cellular telephone, such as locating the telephone (10) in the work environment, then the correspondence with set 1 of the user preference information (600) will be noted at table location (640), and the user preference information set 1 (600) will be selected by the comparator (580). **This selected operational set of user preference information (600) may include a flag (FLG) which directs the cellular telephone (10) to use a vibration alert for incoming telephone calls, for example.** Similarly, if the trigger 2 (190) is sensed as the selected specified condition, the correspondence with set 1 (600) of an operational set of user profile information will be noted by the comparator (580) in the table (680) at location (650). Again, the operational set of user profile information corresponding to set 1 (600) will be selected to direct the operations of the telephone (10).

In addition to Martinez teaching, Moton also teaches the usage of user's specifically selected conditions (i.e., event) to select user preference settings (i.e., notifications). See (Paragraphs 32,39 and 44 of detailed description) below.

(32) In step 214, the subscriber can be notified that a material or actionable change of location has been detected, and the subscriber can be given an opportunity to override the subscriber rules. In preferred embodiments, a notification provided to the subscriber may be executed using any known method. For example, a vibration on, or a ringing tone from, wireless device 110 could be used to alert the subscriber that, unless the subscriber otherwise overrides, a new service feature will be activated. The subscriber may then see or hear a message, e.g., "You have left origin 105, unless you press the Cancel key, all incoming calls will be accepted."

(39) In this example, the subscriber has wireless device 110. The subscriber has a subscription to the service of the present invention. The subscriber also has a home wireline telephone and an office wireline telephone located at home 302 and the seventh floor of building 306, respectively. Although the subscriber does not want to miss any incoming calls to his wireless device 110, he does not want to receive all calls on his wireless device 110 all the time either. The subscriber wishes to use his wireless device 110 to receive calls only when his is not in one of four places: home 302, the seventh floor of building 306, courthouse 308, and theater 310. When at home

302, he wants all calls to be forwarded to his home wireline telephone. When on the seventh floor of building 306, he wants all calls to be forwarded to the office wireline telephone. When in courthouse 308, he wants to have his wireless device 110 temporarily disabled, and all calls are forwarded to his voice mailbox. When in theater 310, the subscriber wants to have an option to decide whether to receive an incoming call. In all other places, he is available to use his wireless device 110 to answer calls, receive voice mail messages, and using his wireless device 110 to access information on a global computer network.

(44)TABLE-US-00001 TABLE 1 Call Routing Instructions Location of wireless device 110  
Instructions Home 302 Forward calls to home wireline telephone Seventh Floor of Building 306  
Forward calls to office wireline telephone Courthouse 308 Forward calls to voice mailbox  
Theater 310 Turn off ringer, turn on vibrator, and provide call management options All other  
places Enable ringer and accept all incoming calls (the default rule).

Based on the above clarifications, the Examiner maintains that either Martinez only or the combination of Martinez and Moton teaches the argued claimed limitations.

Therefore, the office action is maintained and made final as shown below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1, 3-12 and 14-20 are rejected under U.S.C. 103(a) as being unpatentable over Martinez(U.S. 20020142792 A1), (hereinafter Martinez) in view of Moton, Jr. et al., (U.S. 7,116,977), (hereinafter Moton).**

**Regarding claims 1,10 and 20**, Martinez discloses a method/mobile device/computer program product/ for enabling a mobile device (= device 10, see Fig. 1) to control notification of events , the method comprising:

activating, at the mobile device, a first notification profile (= user preference settings/information or operational set, see Pars. 0021-24 and 0026) comprising a first set of notification control options selected at the mobile device (see Pars. 022-25) wherein the mobile device is capable of comparing both a time parameter and a location parameter with a current time and a current location (= time of day and network present, see Pars. 0022-25);

enabling definition of any enabled switch condition (=trigger, see Par. 0021-22) by directly specifying at least one of the time parameter and the location parameter at the mobile device (see Pars. 0021-22); and

switching to a second notification profile (= user preference settings/information or operational set, see Pars. 0021-24 and 0026) when the switch condition (= trigger) defined at the mobile device is satisfied (see Pars. 0021-25), the second notification profile comprising a second set of notification control options (see Pars. 0021-25);

wherein the first and second notification profiles (= user preference settings/information or operational set, see Pars. 0021-24 and 0026) each define



respective notification control options (see Pars. 0021 and 0026) that apply to the notification of events generated by at least two different event generating and handling components on the mobile device wherein the event generating and handling components on the mobile device include at least two of an alarm, a calendar, email, phone and SMS (see Pars. 0021-26, 0030, 0032 and 0037-40).

Martinez fails to teach that the current location is determined using at least one of a cellular base station or a Global Positioning System (GPS);

However, the proceeding limitations are disclosed in the system of Morton wherein the server 102 uses location information from location systems 106 and 112; and identity information to activate service features subscribed by a subscriber (see col. 5, line 4- col. 6, line 19; col. 9, lines 39-66 and table 1).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Morton with the system of Martinez for the benefit of achieving a system that includes GPS and GIS systems to provide redundancy, accuracy and reliability (see Morton, col. 5, lines 4-19).

**Regarding claim 3**, Martinez further discloses the method of claim 1 wherein said switch condition is defined in relationship with both the time and location parameters (= condition/trigger which can be sensed include type of day and the location of the cellular telephone, see Pars. [0009 and 0022]).

**Regarding claims 4**, as recited in claim 1, Martinez fails specifically to mention that said current location is determined only using Global Positioning System.

However, Morton teaches that the system includes one or both network-based location systems 106 and 112 (see col. 5, lines 4-19 and col. 4, line 58- col. 5, line 61).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Moton with the system of Martinez for the benefit of achieving a system that includes GPS and GIS systems to provide redundancy, accuracy and reliability (see Moton, col. 5, lines 4-19).

**Regarding claim 5**, Martinez further discloses the method of claim 1 wherein said method comprising storing the switch condition in association with one of the first and second notification profiles to facilitate re-use of a stored switch condition (see Pars. 0005, 0008, and 0021).

**Regarding claim 6**, Martinez further discloses the method of claim 5, wherein defining the switch condition comprises accessing the stored switch condition for re-use (see Pars. 0005, 0008, and 0021-23).

**Regarding claim 7**, Martinez further discloses the method of claim 1, wherein said first notification profile comprises options defined to disable notification of at least some of the events and said second user notification profile comprises options defined to enable notification of said at least some of the events whereby the switching automatically

enables notification upon the satisfaction of the switch condition (see Pars. 0021-26).

**Regarding claim 8**, Martinez further discloses the method of claim 1, wherein said first notification profile comprises options defined to enable notification of at least some of the events and said second notification profile comprises options defined to disable notification of said at least some of the events whereby the switching automatically disables notification upon the satisfaction of the switch condition (see Pars. 0021-26).

**Regarding claim 9**, Martinez further discloses the method of claim 1, comprising: enabling said first notification profile to control the notification thereby replacing a previously enabled notification profile; and defining said second notification profile in accordance with said previously enabled notification profile such that said switching automatically re-enables the previously enabled notification profile (see Pars. 0021-26).

**Regarding claim 11**, Martinez further discloses the device of claim 10, comprising: wherein the notification profile enablement component enables definition, at the mobile device, of switch conditions for more than one of said notification profiles (see Pars. 0009 and 0021-26).

**Regarding claim 12**, Martinez further discloses the device of claim 11 wherein the notification profile enablement component defines switch conditions in response to both the time parameter and the device location parameter (see Pars. 0009 and 0021-26).

**Regarding claim 14**, Martinez further discloses the device of claim 10 comprising a switch condition monitoring component to monitor the satisfaction of the switch condition to determine the automatic switching (see Pars. 0009 and 0021-26, 0030, 0032 and 0037-40).

**Regarding claim 15**, Martinez further discloses the device of claim 11, wherein the user interface is adapted to store the switch condition in association with one of the notification profiles to facilitate re-use of the switch condition (see Pars. 0005, 0008, and 0021-26, 0030, 0032 and 0037-40 ).

**Regarding claim 16**, Martinez further discloses the device of claim 15, wherein the notification profile enablement component is adapted to access the stored switch condition for re-use (see Pars. 0005, 0008, and 0021-26, 0030, 0032 and 0037-40).

**Regarding claim 17**, Martinez further discloses the device of claim 10, wherein the notification profile enablement component comprises a further switch condition that, if satisfied, automatically switches from the next notification profile to a new next notification profile (see Pars. 0009 and 0021-26, 0030, 0032 and 0037-40).

**Regarding claim 18**, Martinez further discloses the device of claim 10, wherein the next notification profile is defined in accordance with a last notification profile enabled immediately prior to the current notification profile such that said notification profile

switch component switches back to the last notification profile. (see Pars. 0009 and 0021-26, 0030, 0032 and 0037-40).

**Regarding claim 19**, Martinez further discloses the device of claim 10, wherein the notification profile enablement component can be programmed to temporarily activate one of the plurality of notification profiles for an amount of time determined at the mobile device (see Pars. 0009 and 0021-26, 0030, 0032 and 0037-40).

### CONCLUSION

3. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. SEE MPEP 2141.02 [R-5] VI. PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS: A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert.

denied, 469 U.S. 851 (1984) In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). >See also MPEP §2123.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-T (9 am - 7pm).  
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kwasi Karikari/  
Patent Examiner  
Art Unit 2617.  
04/24/2008

/Charles N. Appiah/  
Supervisory Patent Examiner, Art Unit 2617